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**AUG 13 2007**

Applicant : George A. Cates Confirmation No.: 2228  
Appl'n. No. : 10/663,722  
Filed : September 17, 2003  
Title : MULTIVALENT IMMUNOGENIC COMPOSITION CONTAINING  
RSV SUBUNIT COMPOSITION AND INFLUENZA VIRUS  
PREPARATION  
Grp./A.U. : 1648  
Examiner : Zachariah Lucas  
Docket No. : 1038-1268 MIS  
Date : August 13, 2007

**BY FACSIMILE** (571) 273-8300

Mail Stop Petition  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
U.S.A.

**Petition for Revival of Unintentionally Abandoned Application**

**Under 37 C.F.R. 1.137(b)**

Petition is hereby made under the provisions of 37 C.F.R. 1.137(b) to revive this unintentionally abandoned application. This application became abandoned for failure to respond to the Office Action of January 23, 2007 in a timely manner. The failure to make a response was unintentional.

In support of this Petition:

1. Enclosed is a Notice of Appeal from the Final Rejection;
2. Enclosed is authorization to charge the prescribed fee for the Notice of Appeal and this Petition to our deposit account;
3. It is hereby stated, under the signature of the undersigned, that the entire delay in filing the required reply from the due date for the reply to the filing of this Petition was unintentional.

2

It is submitted that, having regard to the foregoing, this Petition ought to be granted and the application restored to pending status.

Respectfully submitted,



Michael I. Stewart  
Reg. No. 24,973

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Phone No.: (416) 849-8400  
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Under the Paperwork Reduction Act of 1996 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2007

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

1,500.00

## Complete if Known

Application Number	10/663,722
Filing Date	September 17, 2003
First Named Inventor	George A. Cales
Examiner Name	Zachariah Lucas
Art Unit	1648
Attorney Docket No.	1038-1268 MIS

AUG 13 2007

## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

 Deposit Account Deposit Account Number: 192253 Deposit Account Name: Sim & McBurney

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues)

## Small Entity

Fee (\$)

Fee (\$)

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

## Total Claims

Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=

## Multiple Dependent Claims

Fee (\$)

Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

Fees Paid (\$)

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition for Revival of Aband. App. under 37 CFR 1.137(b)

\$1,500.00

## SUBMITTED BY

Signature	<i>Michael I. Stewart</i>	Registration No. (Attorney/Agent) 24,973	Telephone 416-849-8400
Name (Print/Type)	Michael I. Stewart		Date August 13, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments including suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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